**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 12207 of 2004**

Between:

K.Narasimha Rao, s/o Veeraiah,
R/o Nimmagaddavaripalem, Prathipadu Mandal, Guntur District.

..... PETITIONER

AND

1 The Manager, Sri Dandeswara Swamy Temple, Prathipadu Village & Mandal, Guntur District.
2 The Assistant Commissioner of Endowments, Besides Sri Anjaneya Swamy Temple, Naaz Centre, Guntur.
3 The Deputy Commissioner of Endowments, Besides Sri Anjaneya Swamy Temple, Naaz Centre, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in conducting auction on 22-06-2004 for leasing out the dry land to the extent of 4.41 acres belonging to Sri Dandeswara Swamy Temple situated in Survey D.No.335/1 in Prathipadu village of Guntur District which is in petitioner's occupation and enjoyment, without notice to him as illegal and arbitrary and further declaring that the petitioner is entitled to be continued as an Agricultural tenant of the said land as per Circular NO.MI/10728/2004 dt.04-06-2004 of the Commissioner of Endowments

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondents: GP FOR ENDOWMENTS

**The Court made the following ORDER:**

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in conducting public auction of land in an extent of Ac.4.41 cents situated in Survey D.No.335/1 of Prathipadu village, Guntur district, belonging to the first respondent.

2. It is the case of the petitioner that, he and his ancestors have been continuing as tenants for the last 60 years. It is also the case of the petitioner that he is not having any other land except the land in question belonging to the first respondent, which is in his possession as a lessee. It is his further case that he has been paying the rents regularly. But, however, when a notice was issued on 12.04.2003, the petitioner made a representation stating that he is a landless poor person and he does not own any other land except the land in question. Without considering the said representation, the first respondent conducted auction of the leasehold rights in respect of the land in question. Hence, the present writ petition.

3. However, at the time of hearing, the learned counsel for the petitioner stated that the petitioner did not make any application before the Assistant Commissioner of Endowments – second respondent herein, seeking a declaration that he is a landless poor person in terms of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 read with the Rules framed in G.O.Ms.No.379 Revenue (Endowments I) Department dated 11.03.2003. The learned counsel also relied upon the Circular issued by the Commissioner of

Endowments, dated 04.06.2004, under which, directions have been issued directing the Assistant Commissioners as well as the Deputy Commissioners of Endowments Department, not to take any proceedings for eviction of landless poor persons from the lease hold lands.

4. Heard learned counsel for the petitioner and the learned Government Pleader for Endowments.

5. In view of the fact that the petitioner is claiming to be in possession of only Ac.4.41 cents of dry land, belonging to the first respondent – Institution and further he is not having any other land of his own, it would be appropriate that the petitioner should make appropriate application before the second respondent – Assistant Commissioner of Endowments, Guntur. On such application being made by the petitioner, the second respondent is directed to adjudicate upon the issue whether the petitioner is a landless poor person in terms of Section 82 of the Act or not and if it is declared that he is a landless poor person, he is entitled to continue in possession of the land, apart from the other benefits that are confirmed in the said provision as well as the Rules made there.

6. The writ petition is accordingly disposed of with a direction to the petitioner to make an application before the second respondent within a period of two weeks from the date of receipt of a copy of this order. Pending adjudication by the second respondent, the respondents are directed to maintain status quo as to the possession of the land as on today.

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16.07.2004

Note: Furnish CC in 2 days

B/o

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To

1 The Manager, Sri Dandeswara Swamy Temple, Prathipadu Village & Mandal, Guntur District.
2 The Assistant Commissioner of Endowments, Besides Sri Anjaneya Swamy Temple, Naaz Centre, Guntur.
3 The Deputy Commissioner of Endowments, Besides Sri Anjaneya Swamy Temple, Naaz Centre, Guntur.

4 Two CCs to G.P. for Endowments, High Court of A.P. Buildings,

Hyderabad (OUT)

5 Two CD Copies